

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6520 OF 2024

Mohansingh Arjunsingh Labana ... Petitioner

V/s.

The State of Maharashtra, through
the Secretary, Home Department
& Ors.

... Respondents

Mr. Arvind K. Tiwari with Ms. Shraddha Kadam and
Mr. K.S. Labana i/by Mr. Rushikesh Kale for the
petitioner.

Mr. P.G. Sawant, AGP for the respondents – State.

CORAM : AMIT BORKAR, J.

DATED : MAY 7, 2024

P.C.:

1. Prima facie I am satisfied that the satisfaction recorded by the Collector under Section 142(1) of the Bombay Prohibition Act, 1949 is not based on any cogent material. It appears that the report submitted by the Inquiry Officer stating that a temple is situated in the circumference of 25 meters and the local residents are objecting for functioning of the shop. This could have been a ground while allotting license. However, in the absence of any cogent material, this order could not have been passed and that too without affording opportunity of hearing.

2. Respondents to file reply before next date.

- 3.** Stand over to **18 July 2024**.
- 4.** Hence, there shall be ad-interim relief in terms of prayer clause (c) till 18 July 2024.

(AMIT BORKAR, J.)